Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A method comprising:

computing a plurality of random noise samples;

~~storing the plurality of random noise samples in a lookup table;~~

detecting for a voice activity in a signal; and

if the voice activity is not detected, encoding a first data frame of the signal to create a first non active voice frame, including

generating a first excitation based on the plurality of random noise samples ~~of the lookup table~~, and

generating the first non active voice frame based on a scale factor and the first excitation; and

after encoding the first data frame of the signal, reusing the ~~lookup table~~ already generated first excitation to encode ~~a next~~ each subsequent data frame of the signal ~~subsequent to the first data frame only if the next data frame of the signal is not an active voice data frame, the reusing~~ until a voice activity of the signal is detected, each encoding of a respective subsequent data frame of the signal including

altering the scale factor based on any change in a noise condition of the signal,

~~generating a second excitation based on the plurality of random noise samples of the lookup table,~~ and

generating a ~~second~~ respective non active voice frame based on the scale factor and the ~~second excitation~~ already generated first excitation of the first data frame.

2. (Previously Presented) The method of claim 1 further comprising padding an excitation with zeros if a gain of a frame of the non active voice signal is zero.

3. (Original) The method of claim 2 further comprising generating random adaptive codebook parameters and fixed codebook parameters.

4. (Currently Amended) The method of claim 3 wherein ~~computing~~ generating the first excitation includes:

generating a random adaptive excitation based on the random adaptive codebook parameters;

computing a sum of the random adaptive excitation and one of the random noise samples; and

rescaling the sum of the random adaptive excitation and one of the random noise samples.

5. (Currently Amended) The method of claim 4 wherein ~~computing~~ generating the first excitation further includes:

computing a fixed codebook gain based on the fixed codebook parameters; and

updating the rescaled excitation with an algebraic-code-excited linear-prediction excitation.

6. (Original) The method of claim 1 wherein the random noise samples are Gaussian noise samples.

7. (Currently Amended) A storage medium comprising content, which when executed by an accessing machine, causes the accessing machine to implement a method comprising:

computing a plurality of random noise samples;

~~storing the plurality of random noise samples in a lookup table;~~

detecting for a voice activity in a signal; and

if the voice activity is not detected, encoding a first data frame of the signal to create a first non active voice frame, including

generating a first excitation based on the plurality of random noise samples ~~of the lookup table~~, and

generating the first non active voice frame based on a scale factor and the first excitation; and

after encoding the first data frame of the signal, reusing ~~the lookup table~~ already generated first excitation to encode ~~a next~~ each subsequent data frame of the signal ~~subsequent to the first data frame only if the next data frame of the signal is not an active voice data frame, the reusing~~ until a voice activity of the signal is detected, each encoding of a respective subsequent data frame of the signal including

altering the scale factor based on any change in a noise condition of the signal, and

~~generating a second excitation based on the plurality of random noise samples of the lookup table,~~ and

generating a ~~second~~ respective non active voice frame based on the scale factor and the ~~second excitation~~ already generated first excitation of the first data frame.

8. (Currently Amended) The storage medium of claim 7 ~~comprising content, which when executed by an accessing machine, causes the accessing machine to implement~~ the method further comprising padding an excitation with zeros if a gain of a frame of the non active voice signal is zero.

9. (Currently Amended) The storage medium of claim 8 ~~comprising content, which when executed by an accessing machine, causes the accessing machine to implement~~ the method further comprising generating random adaptive codebook parameters and fixed codebook parameters.

10. (Currently Amended) The storage medium of claim 9 wherein ~~computing~~ generating the first excitation includes:

generating a random adaptive excitation based on the random adaptive codebook parameters;

computing a sum of the random adaptive excitation and one of the random noise samples; and

rescaling the sum of the random adaptive excitation and one of the random noise samples.

11. (Currently Amended) The storage medium of claim 10 wherein ~~computing~~ generating the first excitation further includes:

computing a fixed codebook gain based on the fixed codebook parameters; and

updating the rescaled excitation with an algebraic-code-excited linear-prediction excitation.

12. (Original) The storage medium of claim 7 wherein the random noise samples are Gaussian noise samples.

13. (Currently Amended) An apparatus comprising:

an encoder coupled to a communication channel wherein the encoder is to compute a plurality of random noise samples ~~and to store the plurality of random noise samples in a lookup table~~, the encoder further to encode, if a voice activity is not detected in [[the]] a signal, a first data frame of the signal to create a first non active voice frame, wherein the encoder is

to generate a first excitation based on the plurality of random noise samples of the lookup table, and

to generate the first non active voice frame based on a scale factor and the first excitation,

the encoder further to reuse the ~~lookup table~~ already generated first excitation after encoding the first data frame of the signal to encode ~~a next~~ each subsequent data frame of the signal ~~subsequent to the first data frame only if the next data frame of the signal is not an active voice data frame~~ until a voice activity of the signal is detected, wherein for each encoding of a respective subsequent data frame of the signal the encoder is

to alter the scale factor based on any change in a noise condition of the signal,

~~to generate a second excitation based on the plurality of random noise samples of the lookup table,~~ and

to generate a ~~second~~ respective non active voice frame based on the scale factor and the ~~second excitation~~ already generated first excitation of the first data frame; and

a voice activity detector coupled to the encoder to detect for a non active voice signal;

~~a decoder coupled to the communication channel, the decoder further comprising a comfort noise generator to generate comfort noise if the voice activity detector detects the non active voice signal~~.

14. (Currently Amended) The apparatus of claim 13, the ~~comfort noise generator~~ encoder further configured to pad an excitation with zeros if a gain of ~~a frame of~~ the ~~non active voice~~ signal is zero.

15. (Currently Amended) The apparatus of claim 14, the ~~comfort noise generator~~ encoder further configured to generate random adaptive codebook parameters and fixed codebook parameters.

16. (Currently Amended) The apparatus of claim 15, wherein ~~computing~~ generating the first excitation includes:

generating a random adaptive excitation based on the random adaptive codebook parameters;

computing a sum of the random adaptive excitation and one of the random noise samples; and

rescaling the sum of the random adaptive excitation and one of the random noise samples.

17. (Currently Amended) The apparatus of claim 16, wherein ~~computing~~ generating the first excitation further includes:

computing a fixed codebook gain based on the fixed codebook parameters; and

updating the rescaled excitation with an algebraic-code-excited linear-prediction excitation.

18. (Canceled).

19. (Previously Presented) The apparatus of claim 13 wherein the random noise samples are Gaussian noise samples.

20. (Currently Amended) A storage medium containing content which, when executed by an accessing machine, causes the accessing machine to generate:

an encoder coupled to a communication channel wherein the encoder is to compute a plurality of random noise samples ~~and to store the plurality of random noise samples in a lookup table~~, the encoder further to encode, if a voice activity is not detected in [[the]] a signal, a first data frame of the signal to create a first non active voice frame, wherein the encoder is

to generate a first excitation based on the plurality of random noise samples of the lookup table, and

to generate the first non active voice frame based on a scale factor and the first excitation,

the encoder further to reuse the ~~lookup table~~ already generated first excitation after encoding the first data frame of the signal to encode ~~a next~~ each subsequent data frame of the signal ~~subsequent to the first data frame only if the next data frame of the signal is not an active voice data frame~~ until a voice activity of the signal is detected, wherein for each encoding of a respective subsequent data frame of the signal the encoder is

to alter the scale factor based on any change in a noise condition of the signal,

~~to generate a second excitation based on the plurality of random noise samples of the lookup table,~~ and

to generate a ~~second~~ respective non active voice frame based on the scale factor and the ~~second excitation~~ already generated first excitation of the first data frame; and

a voice activity detector coupled to the encoder to detect for the non active voice signal;

~~a decoder coupled to the communication channel, the decoder further comprising a comfort noise generator to generate comfort noise if the voice activity detector detects the non active voice signal~~.

21. (Currently Amended) The storage medium of claim 20, the ~~comfort noise generator~~ encoder further configured to pad an excitation with zeros if a gain of a frame of the non active voice signal is zero.

22. (Currently Amended) The storage medium of claim 21, the ~~comfort noise generator~~ encoder further configured to generate random adaptive codebook parameters and fixed codebook parameters.

23. (Currently Amended) The storage medium of claim 22, wherein ~~computing~~ generating the first excitation includes:

generating a random adaptive excitation based on the random adaptive codebook parameters;

computing a sum of the random adaptive excitation and one of the random noise samples; and

rescaling the sum of the random adaptive excitation and one of the random noise samples.

24. (Currently Amended) The storage medium of claim 23, wherein ~~computing~~ generating the first excitation further includes:

computing a fixed codebook gain based on the fixed codebook parameters; and

updating the rescaled excitation with an algebraic-code-excited linear-prediction excitation.

25. (Canceled).

26. (Previously Presented) The storage medium of claim 20 wherein the random noise samples are Gaussian noise samples.

Claims 27 - 40. (Canceled).